S.B. Civil Contempt Petition No.7/2006
Tulsiram Menaria & Anr.
vs
Smt. Nathi & Anr.

Date of order : 29.8.2007.

HON'BLE MR. PRAKASH TATIA, J.

Mr.BN Kalla, for the petitioners
Mr.Ashok Chhangani, for the non-petitioner no.2.

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Heard learned counsel for the petitioners.

The petitioners submitted this contempt petition against the non-petitioner no.1 Smt. Nathi who was respondent in the regular First Appeal No.359/2004 wherein interim order was passed by this Court so as to maintain the status quo. The petitioners also impleaded one Gopal Swaroop Ojha against whom the notice for committing contempt was issued by order of this Court, but subsequently, by order dated 13.8.2007, the contempt proceedings were dropped against non-petitioner no.2 Gopal Swaroop Ojha.

The contention of learned counsel for the petitioners is that non-petitioner no.1 Nathi is excavating the mines through non-petitioner no.2 Gopal Swaroop Ojha. It appears from the material placed on record that the petitioners projected in their contempt petition that some deed was executed in favour of non-petitioner no.2 Gopal Swaroop Ojha by non-petitioner no.1 Smt. Nathi and that fact persuaded this Court to issue notices to the non-

petitioners nos. 1 and 2 both.

It appears that this Court has already discharged non-petitioner no.2 Gopal Swaroop Ojha from committing any contempt. Therefore, the very foundation for excavating the land by non-petitioner no.1 Smt. Nathi by non-petitioner no.2 Gopal Swaroop Ojha cannot be examined. Otherwise also, the non-petitioner no.2 has placed on record the deed executed by the Mining Department as Annex.R2/2.

In view of the above reasons, I do not find any reason to continue the present contempt proceedings against non-petitioner no.1 also and the notices of contempt against non-petitioner no.1 Smt. Nathi is discharged.

Hence, the contempt petition is dismissed.

(PRAKASH TATIA), J.

c.p.goyal/-